

Monsanto

LAW DEPARTMENT

Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167
Phone: (314) 694-1000

December 15, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marsha A. Adams
5HMS-5J, Responsible Party
Search Section
U.S. Environmental Protection
Agency, Region V
77 West Jackson Boulevard
Chicago, IL 60604-3590

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DEC 20 1994

**SUPERFUND PROGRAM
MANAGEMENT BRANCH**

Re: Sauget Area I
Sauget, Illinois

Dear Ms. Adams:

As set forth in our November 15, 1994 correspondence on the matter referenced above, we wish to substantiate the Confidential Business Information (CBI) claim which we had made in our October 17, 1994 response to the U.S. Environmental Protection Agency (U.S. EPA), Section 104(e) Information Request. While we had initially intended to also include, at this time, our CBI claim as to the large number of documents selected by U.S. EPA from files in Cerro Copper Products Company v. Monsanto Company and Monsanto Chemical Company, Docket No. 92-CV-204-WDS (USDC S.D. IL). However, as that material will now be delivered next week, we will address the CBI claims as to that submission in our transmittal letter next week. The remainder of this letter will address the CBI claims in relation to our October 17, 1994 submission.


We now wish to assert a CBI claim for those documents as identified on the attached list. Following the format as suggested in your October 27, 1994 letter on this matter, our comments as to these documents are as follows:

1. The period of time for confidential treatment would be until the conclusion of any actions under federal or state remedial authority in relation to Sauget Area I, Sauget, Illinois. At that time, Monsanto would request that the identified documents be returned to Monsanto.

2. The measures which we have taken to guard against undesired disclosure of the information to others include limiting access to the documents by safeguarding them within Company files, restricting disclosure outside of Monsanto, and marking the documents themselves as "Company Confidential," "Privileged/Confidential" and other such appropriate markings.
3. The extent to which the information has been disclosed to others and the precautions taken in connection therewith are primarily related to various lawsuits in which Monsanto is involved. In all such litigation, Confidentiality Agreements are in place with opposing parties to limit the use of the documents solely to that litigation.
4. We are not aware of confidentiality determinations by U.S. EPA or other federal agencies as to these documents.
5. The disclosure of the information would be likely to result in substantial harmful effects to Monsanto's competitive position. Documents contain process/business information on Monsanto's manufacturing capacity, technology and costs related thereto. Given the long history of manufacturing at the facilities in question, as well as the age of the industrial processes involved, even "historical" data provides data from which a competitor could ascertain Monsanto's present day and future potential as to technology, product capacity and related raw material, manufacturing and capital costs.
6. Another issue which should be considered in this matter is that Sauget Area I in Sauget, Illinois is in close proximity to Monsanto's W.G. Krummrich plant. Accordingly, while certain plant specific information may therefore be relevant to issues in Sauget Area I, it also raises the specter of undue interference/disclosure of Monsanto's manufacturing processes within the plant. Accordingly, great care must be taken that the data relating to business/manufacturing processes within the plant are not inadvertently disclosed during the course of Sauget Area I activities.

If you have any questions concerning any of the foregoing matters, please do not hesitate to contact me at 314/694-1278.

Very truly yours,


Stephen P. Krchma
Environmental Counsel

cc: Thomas J. Martin
Assistant Regional Counsel
U.S. EPA, Region V

SAUGET AREA I, SAUGET, ILLINOIS

CONFIDENTIAL BUSINESS INFORMATION CLAIMS
FOR MONSANTO COMPANY SUBMISSION TO
U.S. ENVIRONMENTAL PROTECTION AGENCY (OCTOBER 17, 1994)

Exhibit 3.2

"Krummrich Plant White Paper" dated July 3, 1968 (MCO 1543672-710)

Exhibit 3.3

"Report on Disposal of Solid Toxic Wastes, Residues and Trash from J.F. Queeny and W.G. Krummrich Plant, Report No. 80" (MCO 8032657-682)

Exhibit 3.4

"Long-Range Sewer Plan--WGK Plant Part IV: Proposed New Trunk Sewers for WGK Plant" (WGK 4064906-962)

"Capital Appropriations Request, No. CEA-3808," dated June 23, 1983 (CER 077437-446)

"Water Pollution Control--W.G. Krummrich Plant," dated July 16, 1974 (CER 092184-221)

"ACL Waste Treatment Plant CEA-7662," dated February 6, 1981 (MCO 0180615-618)

"Progress Report, Technical Services Department, W.G. Krummrich: ACL Interim Waste Treatment Start-up (TSD Job and Report No. 91370:4747)" dated June 11, 1981 (MCO 1297206-211)

"MCB Still Rupture Disk Vent Line--Project Scope," dated November 21, 1983 (WGK 2000800-817)

"Appropriation Estimate, Krummrich Sewer--Phase I, CEA3088," dated February 3, 1976 (WGK4023830-930)

"Appropriation Project Definition Report , Main South Trunk Sewer, Monsanto Industrial Chemicals Company, W.G. Krummrich Plant, CEA3808," dated March 28, 1983 (MCO 6360418-436)

"Project Initiation Request, Main South Trunk Sewer, PIR No. 3808," dated August 12, 1982 (MCO 6360440-445)

"Project Premise Report, Main South Trunk Sewer, CEA3808," dated March 4, 1982 (MCO 6360490-497)

Monsanto

LAW DEPARTMENT

Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167
Phone: (314) 694-1000

January 16, 1995

Via Federal Express

Marsha A. Adams
5 HMS-5J Responsible Party
Search Section
U.S. Environmental Protection Agency,
Region V
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: Sauget Area I, Sauget, Illinois

Dear Ms. Adams:


Monsanto hereby provides a further response to the U.S. Environmental Agency (EPA) Request for Information pursuant to Section 104(e) of CERCLA for the Sauget Area I in Sauget, Illinois, dated July 13, 1994. Monsanto received the Information Request on July 18, 1994, and by letter dated July 28, 1994, made arrangements for a phased response on several specified subject areas. Specifically, voluminous documentation was produced by Monsanto for EPA's inspection on two different occasions from the litigation in Cerro Copper Products Company v. Monsanto Company and Monsanto Chemical Company, Docket No. 92-CV-204-WDS (USDC SD IL). The enclosed box of documents represents those items selected by EPA in its inspections.

Please note that these documents are submitted to EPA under the same conditions as specified in our October 17, 1994 letter. Furthermore, as explained to EPA at the time of the document inspections, portions of certain of the documents have been redacted based upon relevancy and/or privilege as attorney/client communications or attorney work product.

Monsanto also asserts a business confidentiality claim covering certain of the documents, as identified by the list attached hereto, pursuant to 40 CFR, Part 2, Subpart B. In response to your October 27, 1994 letter requesting substantiation of similar CBI claims in earlier submittals, our comments on these documents are the same as our December 15, 1994 CBI position for the earlier submittals.

If you have any questions concerning Monsanto's position in this matter, please contact the undersigned at 314/694-1278.

Very truly yours,


Stephen P. Krchma
Environmental Counsel

Attach.

cc: Thomas J. Martin
Assistant Regional Counsel
U.S. EPA, Region V (w/o Attach.)

- Segregated 5/2/94

SAUGET AREA I, SAUGET, ILLINOIS

CONFIDENTIAL BUSINESS INFORMATION
CLAIMS FOR MONSANTO COMPANY SUBMISSIONS TO
U.S. ENVIRONMENTAL PROTECTION AGENCY (JANUARY 6, 1995)

Box 1, Folder I-F-52

"Plant Sewer Map" dated June 7, 1971 (CER 069621✓ and CER 069652)

"W.G. Krumrich Plant History" dated April 30, 1957 (CER 069912-924)

Box 4, Folder I-F-92

"Near Miss Accident Investigation" dated April 17, 1973 (CER 095484-501)

"Zone A April Safety Meeting" dated March 13, 1980 (CER 095502-505)

Box 5, Folders I-F-108 and 110

"MCC Waste Elimination" dated January 18, 1989 (CER 106728-811)✓

"MCC Waste Elimination (1987 Data)" dated February 27, 1989 (CER 106812-827)

"Plant Effluent Analysis" dated January 24, 1989 (CER 107588-599)

Box 6, Folders P-1 and P-13

"Plant Sewer Map" dated June 7, 1971 (CER 000001)✓

"Sewer Mains - Plant B" dated April 13, 1959 (CER 008830)✓

"Plat Showing Sewers - West Side" dated October 19, 1933 (CER 008831)✓

"Proposed S/WGK Laterals" dated August 24, 1964 (CER 008833)✓

"WGK Plant Layout Sewer System" dated April 22, 1993 (CER 008834)

"Survey May 13" (CER 008836)✓

Box 13, Folders 92 and 94

"Cerro Copper Meeting" dated August 13, 1991 (CER 053234-235) ✓

"Flammable Containment" (CER 055890) ✓

Box 14, Folder P-F-110

"Incident Investigation, Department 233" dated March 16, 1987 (CER 089152-162) ✓

"Process Losses - Department 221" dated June 9, 1977 (CER 089473-474)

"Calculations - MCB Balance - May 1977" (CER 089475-477) ✓

"MCB Benzene Reduction" dated December 29, 1980 (CER 090445-447) ✓

"CEA 3322 - MCB Benzene Reduction Interim Compliance" dated December 12, 1978 (CER 090453-468)

"Water Pollution Control - W.G. Krummrich Plant" dated July 16, 1974 (CER 092185-221) ✓

"Engineering Flow Diagram" dated February 8, 1967 (CER 093508-509)

"Distillation 100/500" dated November 1968 (CER 093510) ✓

"WGK Plant Layout Sewer System" dated February 22, 1991 (CER 093515)

"Pre-Project Environmental Control Review - CEA 3808, Main South Trunk Sewer, WGK" dated July 16, 1982 (CER 095470-471) ✓

"MCI PIR No. 3808 Main South Trunk Sewer - W.G. Krummrich" dated November 16, 1982 (CER 095472-477) ✓

"Answers to U.S. EPA Questionnaire on TCDD (10/3/83)" (CER 097764-774)

Box 15, Folders PF-122 and 125

"Layout of Sewers" dated February 7, 1941 (CER 111917) ✓

"Foundation Details and Sewer Locations" dated March 10, 1967 (CER 111924) ✓

"Definition of WGK Waste Streams" dated October 14, 1977 (CER 112221-223) ✓

"Relief Sewer Plan and Profile" dated October 5, 1948
(CER 113128)

"Long-Range Sewer Plan - WGK Plant" dated May 4, 1964
(CER 113140-196)

"Pipe Map 13" (CER 113131)

Box 16, Folder PF-152

"Potential Metallic Pollutants - W.G. Krummrich Plant" dated
October 9, 1970 (CER 130539-548)

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